



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 1, 2006

SUBJECT: **2006-0070 – West Coast Martial Arts** [Applicant] **DeAnza Square** [Owner]: Application for a on a 1.4-acre site located at **1348 Mary Ave** (near Fremont Ave) in a C-1 (Neighborhood Business) Zoning District.

Motion Use Permit to allow an existing martial arts school to use the adjacent 3,971 square-foot space as a work-out area with no instruction.

REPORT IN BRIEF

Existing Site Conditions Vacant retail space in a larger retail shopping center

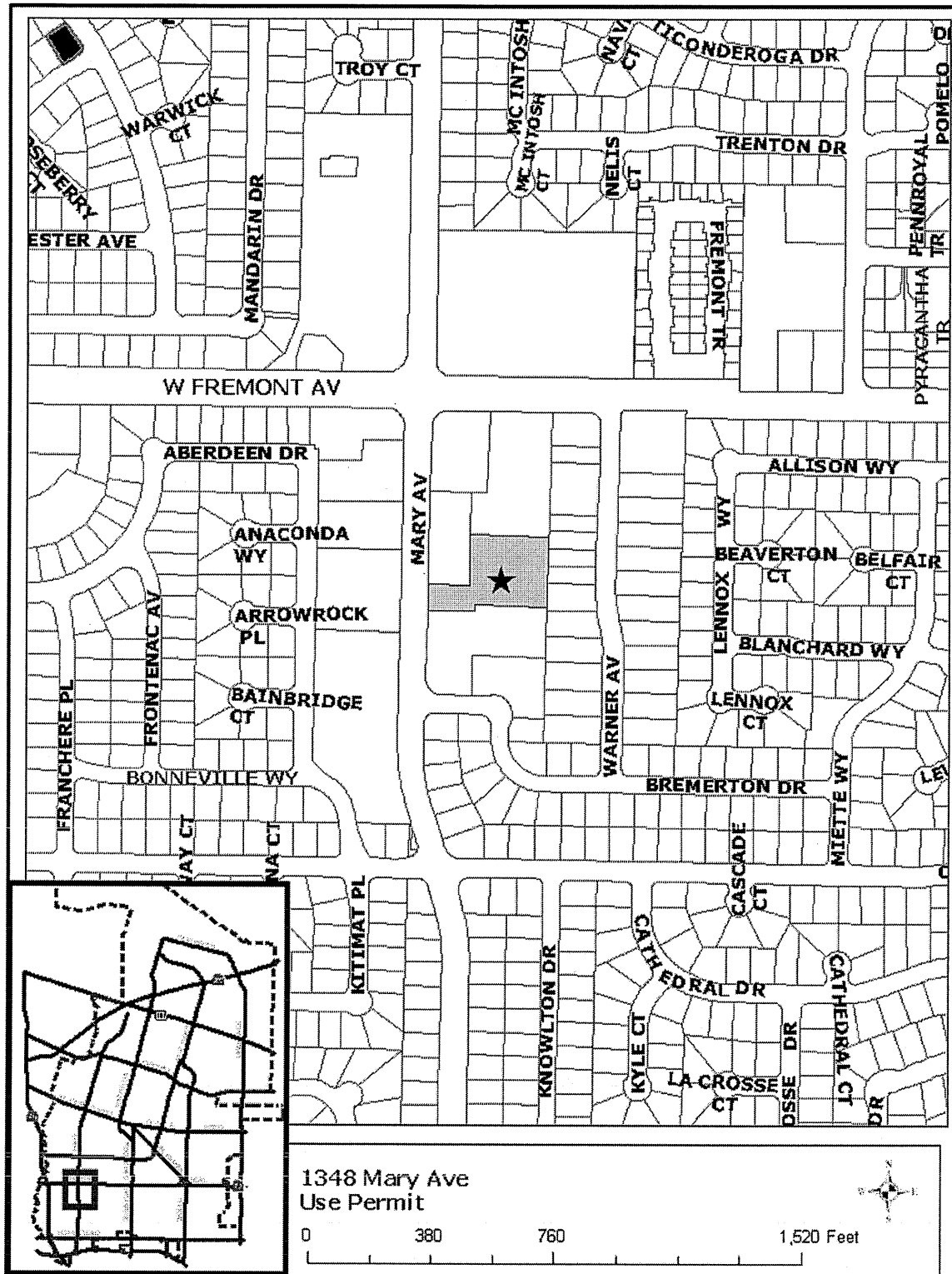
Surrounding Land Uses

North	Retail commercial
South	Single-family homes
East	Single-family homes
West	Offices

Issues Land use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial, Neighborhood Shopping	Same	Commercial, Neighborhood Shopping
Zoning District	C-1	Same	C-1
Lot Size (s.f.)	7.3 acres	Same	None
Gross Floor Area (s.f.)	91,782	Same	111, 865 max.
Gross Floor Area of Tenant	3,971	Same	N/A
Lot Coverage (%)	29%	Same	35% max.
No. of Stories	1	Same	8 max.
Parking			
Total Spaces	404	Same	430 min.

ANALYSIS**Description of Proposed Project**

The application is for a martial arts school to be located within a 3,971 square foot tenant space in an existing shopping center. The proposed tenant space was previously occupied by a book store, which moved to a different location in the center. The space is currently vacant. The proposal does not include any exterior modifications to the site or building.

The proposed space is associated with an existing martial arts business, which is located immediately adjacent to the space. The proposed space is planned to be used as work-out area for parents and children while other family members are attending classes at the existing martial arts school next door. There will be no instruction or classes in the proposed space.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site:

File Number	Brief Description	Hearing/Decision	Date
2003-0720	Martial Arts school	Approved	9/19/2003
2001-0083	Dance school	Approved	3/21/2001
1998-0255	Language school (space taken by current martial arts school)	Approved	5/13/1998

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes change of use.

Use Permit

Site Layout: The shopping center has multiple retail tenants, including restaurants, a bank, drug store and small shops. The proposed martial art workout area is proposed in an existing tenant space previously occupied by a bookstore, but is currently vacant. The existing martial arts school is 5,200 square feet in size and is located adjacent to the proposed workout area. There is also a 25,600 square foot former grocery store which is vacant immediately adjacent to the existing martial arts school. The proposed 3,971 square foot space will have no exterior changes, and includes only minor interior modifications.

Use: The proposed martial arts workout area will be open between the hours of 9 am and 7 pm. The area is available to parents and children of those taking martial arts lessons at the adjacent school. The area is not for teaching or lessons. It is only for use as a drop-in workout area. If the applicant wants to change the use to allow an expansion of the school at a later date, that would require a separate application.

Parking/Circulation: Currently, the site meets the parking requirement for retail uses. The entire site contains 430 spaces through the property. The 3,971 square foot space would utilize less than 10% of the existing buildings, so the standard parking rate of 1 space per 225 square feet would be used to calculate the parking requirements. The total number of spaces on site is 430 and the required number is 404 spaces. Therefore, the project meets the parking requirements.

The existing martial arts school plus the proposed workout area totals 9100 square feet, which does not exceed 10% of the existing building space, so the standard parking rate would be used should the two uses be combined. Also, there is no Use Permit issued for restaurants which exceed the 10% of total

space; therefore, there is no existing use on site which takes a larger proportion of parking spaces.

Compliance with Development Standards/Guidelines: The City currently has a moratorium in effect for Places of Assembly and Recreation, which prevents schools to file an application for a new use in Commercial zones. This project is specifically to be used as a workout area similar to a membership gym, and is therefore not affected by the moratorium. If the applicant had proposed to use the proposed space for educational purposes, or to teach martial arts, the application would not have been accepted. As a result, the specific use of the space as workout area is all that is allowed.

Other than the moratorium, the application meets all development requirements. As discussed above, the parking requirements are met because the total square footage of the martial arts spaces does not exceed 10% of the total building square footage on site.

Expected Impact on the Surroundings: The proposed use will not cause a negative impact to the site or surrounding neighborhood. Staff has not received any negative feedback from the immediate area concerning either the existing martial arts school, or the proposed use.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff received 4 letters or e-mails of support from members of the martial arts school.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 11 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

The project has been deemed by staff to be exempt from the moratorium on Places of Assembly and Recreation because the space will be used as a drop-in workout area and not a martial arts school. As a result, no lessons or instruction can take place in the new area. The applicant's stated intent for the project is to provide a workout area for use by family-members while another is taking a class in the school area. The applicant is not selling separate memberships to the proposed area for use as a gym; its main purpose is to provide a workout area for people waiting for a family member taking a class.

Staff has included a condition of approval that allows the applicant to request to use the proposed space for a martial arts school after the moratorium is lifted (expected by the end of March 2006), and if it is found the C-1 zoned area allows martial arts schools.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

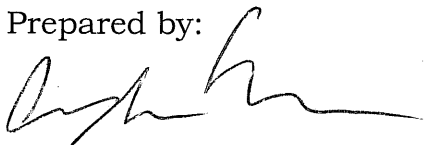
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letter from the Public

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 – *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

N1.1.4 *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is associated with an existing use, which has shown to be a compatible use within the shopping center and neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the project will have little impact on parking because most people using the proposed use will have arrived to the site with another person using the existing martial arts school. The existing martial arts school has been in place for over 3 years, and no complaints have been made about its location or use.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. Any expansion or modification of the approved use shall be approved by separate application.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

3. BICYCLE PARKING

- A. Provide 1 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

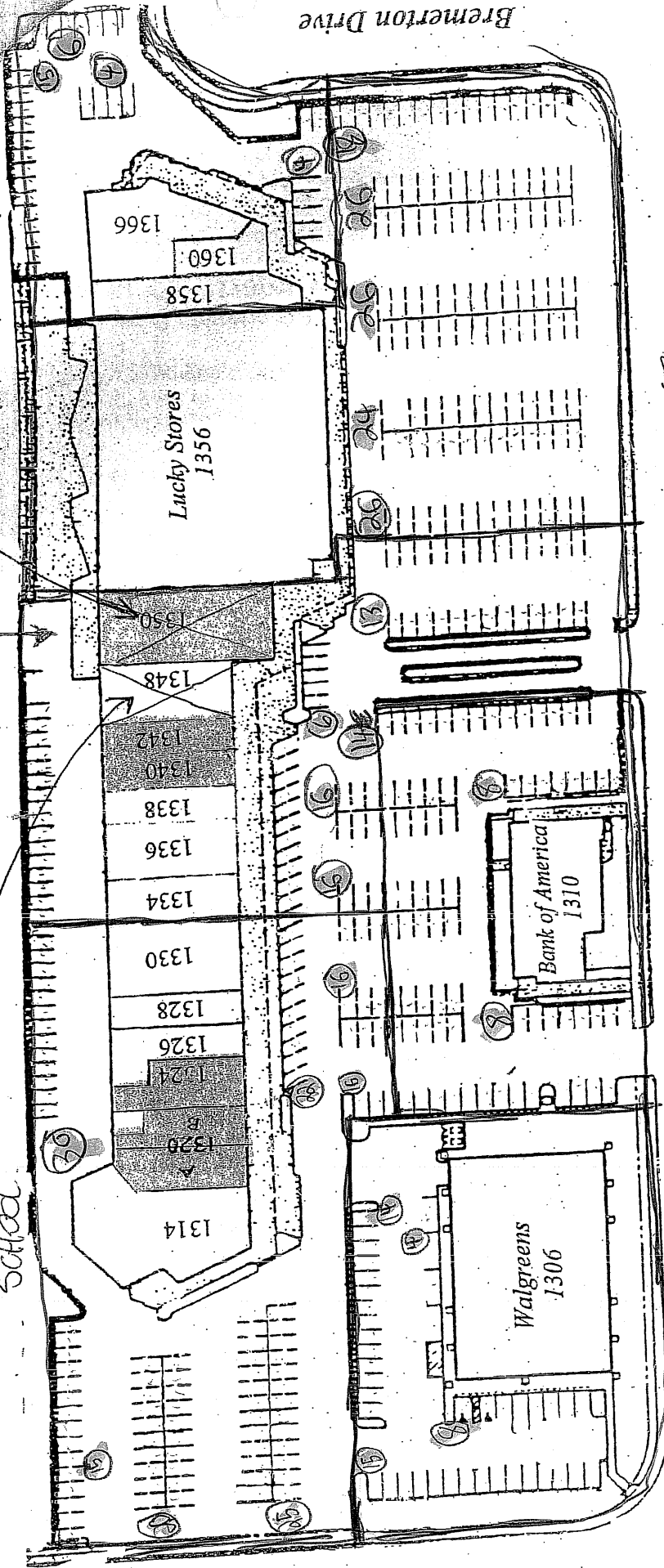
4. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code

De Anza Square Shopping Center
1306 - 1366 South Mary Avenue
Sunnyvale, CA 94087

PROPOSED NEW
MARTIAL ARTS
SCHOOL

EXISTING
MARTIAL ARTS SCHOOL



Fremont Avenue

Mary Avenue

430 PARKING SPACES

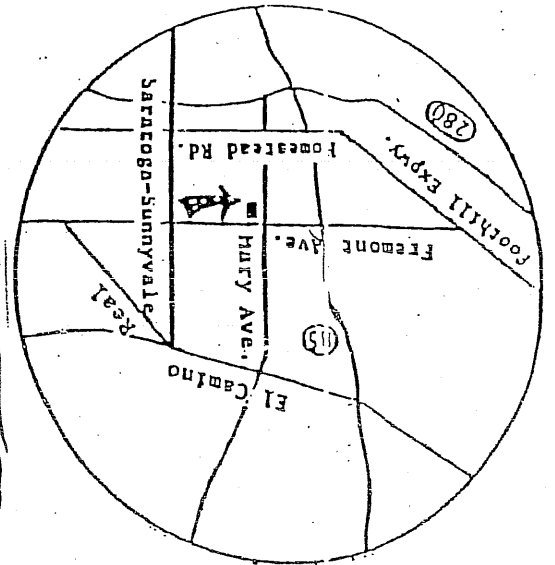


EXHIBIT A SITE PLAN

- | | | | |
|-------|--------------------------------|------|--------------------------|
| 1314 | Country Gourmet | 1340 | Vacant New India Pazzo |
| 1320A | 30-Minute Lady Circuit | 1342 | Pronto Pizza |
| 1320B | Armed Forces Recruiting | 1348 | Vacant - PROPOSED |
| 1324 | Vacant Front Line Sports | 1350 | Vacant West Coast Market |
| 1326 | The Granary | 1356 | Vacant |
| 1328 | Vacant Licor. - Lamb Bookstore | 1358 | DeAnza Square Cleaners |
| 1330 | Gloria's Fine Fashion | 1360 | Fariba's Beauty Center |
| 1334 | Marti's Dance Studio | 1366 | Pine Press |
| 1336 | The Fish Tank | | |
| 1338 | Vacant New India Pazzo | | |

ATTACHMENT C



February 1, 2006

To Whom it May Concern:

This letter is to introduce myself and to ask permission to be granted a use permit in the city of Sunnyvale in order to expand my current location.

My name is Teri Lee. I have owned and operated a West Coast Martial Arts School here in Sunnyvale for the past eighteen years. My school is currently located at 1350 South Mary in the De Anza Shopping Center.

The space adjacent to mine is empty and I have the opportunity to lease this space. This would allow me to expand my location and accommodate the families in this community.

At the present time I have families from Sunnyvale that drive to my location three and four times a day so each family member can attend class. The purpose of the expansion is to accommodate these families. It would be easier for the families if they could all train at the same time regardless of their belt rank.

It would also benefit the city and the environment by saving on traffic and gas traveling to and from the school so many times per day.

In order to do this, we need to have more space. The expansion would allow the parents of these students to come in and practice while their children were in classes. This is more of an "open class" or recreation time for these adults.



For nearly twenty years I have enjoyed contributing to the City of Sunnyvale as a business owner. I have and continue to contribute to the schools by donating auction items for walk-a-thons, carnivals, exploration day, etc.

I believe if you ask any of the students that have trained at my school they will tell you that we are a "community" within the "community". Our morals and values support the ideas and values the City of Sunnyvale supports.

I am fortunate to offer a place where families spend time together in a safe and respectable surrounding. By allowing us to expand our space you are allowing the families to spend time together in a very positive environment.

If you need references, please feel free to contact me.

Sincerely,

Teri Lee
Owner/Head Instructor
West Coast Martial Arts
1350 South Mary Avenue
Sunnyvale, Ca 94087
408.773.8095 wk
408.773.9908 fax
Teri@westcoastsunnyvale.com
www.westcoastsunnyvale.com

From June 4-10, 2006, I'm riding my bicycle 585 miles from San Francisco to Los Angeles to make a world of difference in the lives of people living with HIV and AIDS. Visit my home page at www.aidslifecycle.org/1064 to learn more and make a donation.



To: City of Sunnyvale
From: West Coast Martial Arts
Date: January 20, 2006
Re: Use Permit Justifications

Memo:

I am writing to request a use permit in order to expand my current Martial Arts School. I opened my school in Sunnyvale in 1988. The following is a list of where my school has been located and the duration of that location.

1988 to 1990: 120 East Fremont Avenue. Next to 24 Hour Fitness

1990 to 2003: 1039 Sunnyvale Saratoga Road. On the corner of Remington.

2003 to 2006: 1350 South Mary Avenue

As a result of the economy, the store next to me at 1348 South Mary had to move to a smaller location. It seemed a great opportunity to lease that spot and expand my current location. I was originally told that I would not need a use permit because I was "expanding" my current location as opposed to opening a "new" location. However, that is not the case.

I am asking the City of Sunnyvale to grant me a use permit to enable me to expand my school. In the past twenty years I have dedicated my life to owning and operating one of the most successful schools in the World.

What makes my school a benefit to the City of Sunnyvale is that I offer a place for families to train together and receive the many benefits of Martial Arts. The number one reason I need to expand is at the request of many parents that would like to take classes at the same time as their children. As it is now, families must come here two and three times during the evening to accommodate the family members that must train at different times.



In almost twenty years I have promoted hundreds of students to Black Belt. This school is like having a "community within a community". Our common interest is we provide a clean, respectful environment for the residents of Sunnyvale to come together.

Prior to opening this school I taught elementary school for four years. I am still active in the school system. I have taught at West Valley Exploration Day for the past 18 years. Teachers recommend us all the time, especially to their students who have learning disabilities. The focus and discipline we teach helps the teachers in this community.

It has been a joy to do business in Sunnyvale. I would love to continue doing business here for the next twenty years. If we are granted a use permit, we could continue to accommodate the residents of Sunnyvale. Please consider that our values and morals are very much in line with the City of Sunnyvale. If you would like more information or a referral is needed, please do not hesitate to contact me.

Respectfully,

Teri Lee
Owner/Head Instructor

12092 Marilla Drive
Saratoga, CA 95070
February 4, 2006

Dear City of Sunnyvale Planning Commission,

I am writing you in regards to the expansion of Teri Lee's West Coast Martial Arts school in Sunnyvale at 1350 South Mary Avenue. My two children and I are students at Ms. Lee's school. I have consistently been impressed by the level of professionalism, dedication, and enthusiasm of Ms. Lee and her many instructors. Ms. Lee actively manages her business with the help of her professional and talented staff. Many martial arts schools have a high turn over of instructors or have difficulty staying in business. Ms. Lee's school was established in 1988 and her success is evident through student enrollment and student devotion to her school. I fully support Ms. Lee's request for expansion and hope that you will do the same.

Ms. Lee's school does more than teach students the discipline and basics of martial arts. Her school emphasizes responsibility, respect, leadership, and community. These values are exemplified by all of her trained instructors. Most of her instructors began as students at her school. The training she gives to young people and adults, so that they can be responsible and talented teachers, is an incredible gift to our community. Teaching and leadership skills are critical in a community. At Ms. Lee's school, I have been taught by many teenage instructors who have great skill in working with children and adults. The front desk is usually run by young students and they are learning valuable skills, like working with people and resolving issues. The staff is involved with other community activities and show commitment to social causes. The school promotes leadership skills at all levels of training and for all students.

Every afternoon at Ms. Lee's school there is a diverse student group, representative of the many cultures in the Bay Area. What is striking, is that these students are all working together to be better at their sport. Part of the sport involves interacting with other students. It is always emphasized that if you help your teammate look good, you will look good. The instructors encourage positive social interaction. For example, the instructors will ask students to complement two students after class or introduce themselves to three students that they don't know. By making all cultures feel comfortable in her school and by guiding social interactions within the classes, Ms. Lee and her staff have truly created an open and accepting

community. The positive reinforcement of relating to each other as part of one team is critical in developing respect and the sense of community within our different cultures. The sense of community is very strong at Ms. Lee's school.

On a personal note, I must include the remarkable support that my children and I have received at Ms. Lee's school. My son has Asperger Syndrome and is a special needs student in Cupertino Union School District. People with Asperger Syndrome have great difficulty understanding social situations and they can often have motor coordination issues. My son can be difficult to teach due to his inability to pick up social cues and his coordination issues. Despite his difficulties, he is very aware if he is accepted by people or if he just being tolerated. He is treated kindly and respectfully by the staff and by the students. My son feels accepted by everyone at the school and he is very motivated to achieve his goal of black belt. Every instructor has been understanding, patient, supportive, and friendly to my son and the rest of my family. Their teaching skills have allowed my son to progress consistently through the martial arts curriculum. We are very grateful and proud to be a part of Ms. Lee's exceptional school.

Like many students, we live closer to many other martial arts schools, but we would never imagine going anywhere else. I drive to Sunnyvale at least three times a week so that we can participate in activities at Ms. Lee's school. Many of the businesses near Ms. Lee's school benefit positively from the foot traffic created by the families attending the school. Many parents bring their children for class and then run errands locally until class is dismissed 45 minutes later. The shopping center and local community definitely benefit from the nature of Ms. Lee's business and the diverse families that it attracts.

I hope that you will approve the expansion of Ms. Lee's school so that more people will benefit from the valuable services she offers the community. The school teaches children through adults, with every religious and ethnic group represented. If you have any questions regarding my letter or support for the expansion, please do not hesitate to call me.

Sincerely,

Pam Ehrlich
408-446-9431

Teri Lee

From: Pat Oey [patoy@post.harvard.edu]
Sent: Saturday, February 04, 2006 11:09 AM
To: teri@westcoastsunnyvale.com
Subject: Letter to City of Sunnyvale

City of Sunnyvale

To Whom It May Concern:

As a longstanding member of the Sunnyvale West Coast Martial Arts school, I strongly recommend that you grant the request of this school to open additional space alongside the current location in Sunnyvale.

Since 2000, when my sons and I joined Sunnyvale West Coast Martial Arts, I have been impressed by the professional way the school has been run by Kwang Ja Nim Teri Lee and her faithful, skilled staff. KJN Teri attracts staff and students by creating a welcoming community that focuses on becoming black belts not only in tae kwon do, but also in other areas of life.

In 2004 I earned my black belt, so I have had the opportunity to witness on a constant basis the excellent way the school has been run over the years. Now, as the parent of a son pursuing further tae kwon do instruction, I see that the quality of instruction has remained consistent in its excellence and emphasis on building students' self-esteem and character.

Please allow KJN Teri to expand her school so that she can continue to offer programs that serve the Sunnyvale community. Her proven success over the years promises that the space will be filled immediately with the numbers of people she attracts to her school.

Thank you for your consideration.

Sincerely,

Patty Oey
Sunnyvale Resident
1st-degree Black Belt

Teri Lee

From: Jodi Leone [jodstr2@comcast.net]
Sent: Sunday, February 05, 2006 10:29 AM
To: teri@westcoastsunnyvale.com
Subject: Letter to the city

February 5, 2006

City of Sunnyvale
Sunnyvale, California

To Whom It May Concern,

West Coast Martial Arts Sunnyvale has been a very fulfilling part of my family's life. The physical and mental growth, determination, focus, and respect that my son has learned and developed as a result of his Tae Kwon Do classes at West Coast Martial Arts Sunnyvale are lessons that he will carry for the rest of his life.

Allowing the school to expand will directly impact my family. My husband and I can take advantage of the expanded floor space by attending classes at the same time as my son.

Sincerely,
Jodi Leone

2/6/2006

ATTACHMENT E
Page S of S

Teri Lee

From: Hadked [hadked@yahoo.com]
Sent: Thursday, February 02, 2006 11:40 PM
To: teri@westcoastsunnyvale.com
Subject: Thanks

Hello KJN Teri.

I was assigned an essay in school about whatever subject I wished. It had to be formed a certain way, but about whatever I wanted to. Of course, I chose Tae Kwon Do. I am sending you my essay as a thank you for all that you have done for me. I hope you enjoy.

Thanks for teaching me who I am without actually teaching me who I am... if that makes sense.

Regards,
Hadar

Yahoo! Mail - Helps protect you from nasty viruses.

2/6/2006